

REMARKS

This Amendment After Final Under 37 CFR 1.116 responds fully to the final Office Action mailed July 20, 2007, from the US Patent Office in this case. The final Office Action maintains rejection of claims 3-5, 24 and 31 under 35 USC §102(b) over US Patent No. 5,848,396 to Gerace (Gerace). In response, applicants have amended independent claim 3 slightly, in order to render more clear that the claimed identifier provision means sets an identifier for submitted content based on a content provider's request, adds the identifier to the submitted content, and provides the identifier to the content provider.

With respect to independent claim 3, the Examiner asserts that Gerace discloses a content registration/management system including content registration request reception means, for receiving a request for content registration from a content provider that provides content (Figs. 5a-5d; col. 3, lines 4-20); identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider (col. 17, line 52-col. 18, line 10; col. 6, line 57-col. 7, line 23); and a content ledger database, for storing information related to said identifier provided said content provider (col. 33, line 35-col. 34, line 27).

Applicants have carefully studied Gerace, the portions of Gerace's cited to support the rejection of independent claim 3 under Section 102(b), applicants' Specification and pending claims under final rejection by the final Office Action, and respectfully assert that

Gerace does not teach or suggest each of the elements of applicant's sole pending independent claim 3, for at least the following reasons.

Broadly, applicants' invention provides a content registration/management system whereby content providers, such as owners of rights to a popular musical composition, allow their content to be downloaded to users for free, but are compensated by advertisers who have an advertising identifier inserted with the content that is downloaded to the user, with respect to advertisement information presented in association with a user viewing the free content. The user gets the free content, and the advertiser pays the content owner the equivalent of a royalty that such content owner might normally be entitled to from the user by the "free use" (for example, what the content owner might be accorded under ASCAP rules).

Applicants' inventive content registration management system as set forth in independent claim 3 allows the system to accept requests by content owners to register content in accordance with the system using content registration request means. The system responds to the request to register content in accordance with the system operation by use of identifier provision means. The identifier provision means sets an identifier that will be embedded in the content, and provides the identifier to the content provider. The system includes a content ledger database, wherein information that is related to the identifier embedded in the content is stored.

Applicants understand that Gerace is readily distinguishable from such claimed content registration management system. Gerace targets appropriate audiences based on behavioral or psychographic profiles of a computer user. The psychographic profile is formed

by recording computer activity and viewing habits of the end user. Content of categories of interest and display format in each category are revealed by the prepared psychographic profile, based on user viewing of agate information. Gerace implements a test group that views advertisements, records response by the individuals in the test group, and performs a regression analysis of the recorded response in order to refine the target the end user's psychographic profile.

The Gerace targeted marketing system and method accomplishes the above described operation by providing (i) a data assembly for displaying customized agate information to a computer user, and (ii) a tracking and profiling member for recording user activity with respect to agate information displayed through the data assembly. Gerace's tracking and profiling member, over time, holds a history and/or pattern of user activity, which in turn is interpreted as the member's habits and/or preferences for the advertising purposes. To that end, a psychographic profile is inferred from the recorded activities in the tracking and profiling member. The tracking and profiling member records presentation (format) preferences of the user based on the user's viewing activity.

Preferences with respect to color schemes, text size, shapes, and the like are recorded as part of the psychographic profile of a user. In turn, the psychographic profile enables the data assembly to customize presentation (format) of agate information, per user, for display to the user. The data assembly displays the agate information and/or advertisements combined in a common screen view or separately in respective screen views, which advertisements are stored in an advertisement module and displayed to users in accordance with

the psychographic profile of the user. The tracking and profiling member also records demographics of each user, whereby the data assembly is able to transmit advertisements for display to users based on psychographic and demographic profiles of the user to provide targeted marketing.

Gerace further includes an advertisement module that records history of users viewing the advertisements. For each advertisement, the module records (i) number of times viewed by a user; (ii) number of times selected for further information by a user, and/or (iii) number of purchases initiated from display of the advertisement to a user. In addition, a subroutine coupled to the module performs a regression analysis on the recorded history of users viewing the ads. The subroutine refines profiles of target users based on the regression analysis, which weights the relative importance of psychographic and/or demographic characteristics of users. As such, over time, the advertisements become better targeted to users having an interest in said information (content and presentation or format of ad), thereby automatically targeting of audiences (target users) and self-tailoring of target profiles.

Gerace does not disclose or even suggest a content registration/management system including content registration request reception means, for receiving a request for content registration from a content provider that provides content, identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider and a content ledger database, for storing information related to said identifier provided said content provider.

While the Examiner then asserts that Gerace discloses a content registration/management system including content registration request reception means, for receiving a request for content registration from a content provider that provides content at Figs. 5a-5d, and at col. 3, lines 4-20, applicants do not find the support for the claimed element as asserted. Gerace's Figs. 5a-5b illustrate a set of sponsor objects 33a, ad package objects 33b, ad series objects 33c and ad objects 33d. Nowhere in Figs. 5a-5d show or even suggest applicants' element comprising content registration request reception means, for receiving a request for content registration from a content provider that provides content.

While the Examiner asserts that Gerace's text at col. 17, line 52-col. 18, line 10, and at col. 6, line 57-col. 7, line 23, discloses applicant's claimed identifier provision means, for setting an identifier, based on said request that is received, to be added to said content that is to be provided a user terminal, and for providing said identifier to a content provider, applicants again must respectfully disagree. The Gerace text at col. 17, line 52-col. 18, line 10, merely discloses that portion of the Gerace technique that includes sponsor log-on for browsing the agate information and advertisements for the end user, including entering demographic targets, completion of the advertiser template, and discusses how the Gerace program combine the regression analysis with their weighting technique for automatic optimization (as defined by Gerace). Gerace at col. 6, line 57-col. 7, line 23, merely discloses its user account history object, action history object, user session object, etc.

None of the cited Gerace text discloses, teaches or suggests applicants' identifier provision means, for setting an identifier, based on said request that is received, to be added to

said content that is to be provided a user terminal, and for providing said identifier to a content provider. While the Examiner states at page 5 of the final Office Action that Gerace discloses what information is provided in content registration (Figs. 5a-5d), the claim element at issue is directed to identifier provision means, for setting an identifier that will be added to content to be registered, and providing the identifier to the content provider. The identifier is not information provided in content registration. The identifier is not an advertisement. The identifier may be eventually linked, not only to the content, but also to advertising information presented by a sponsor to be linked in association with the content identifier and content, but this is not a limitation of claim 3

While the Examiner asserts that Gerace discloses, at col. 33, line 35-col. 34, line 27, applicants' claimed content ledger database, for storing information related to said identifier provided said content provider, applicants again respectfully disagree. Gerace's Appendix IV provides a list of advertising reporting features, detailed package reports, demographic response rates, psychographic profiling, mapping, regression demographics and customer reports (reports), that is a performance rating for the advertising initiative. At col. 12, lines 56-63, Gerace describes the cited Appendix IV reports, for example, that information contained in the reports may be identified as hits ("HTs") and that "CTs" means click, as read in a report. With all due respect, the Gerace text describes information, not a content ledger database for storing information relating to an identifier set by identifier provision means.

Applicants note the Examiner's comments as provided at the first full paragraph of page 5 of the final Office Action, suggesting that the claim 3 does not state whether the

content identifier is unique to each piece of content, or unique to the sponsor. Applicants' identifier is unique to the content. That is, applicants content registration request reception means receives requests from content providers requesting content registration by the system, which, by advertiser provision means, sets an identifier added to the content, and providing the identifier to the requesting content provider. While the identifier may be used by a sponsor, such use is not called out in claim 3 as written. The inference that the identifier that is unique to the content may be utilized by an advertiser or sponsor is found in the last claims element, which requires that a content ledger database store information related to the identifier that was provided to the content provider by the identifier provision means in response to the content providers entreating the system register the content.

Applicants have amended claim 3, at the text defining the identifier provision means limitation, or element, so that it is more clear that the identifier, after being set based on the request for embedding in the content is provided to the [[a]] content provider that has requested content registration, and was assigned a unique identifier for said content requested to be registered.

Applicants, therefore, respectfully assert that Gerace does not disclose, teach or suggest each of the elements of independent claim 3, as required under 35 USC §102(b), and request withdrawal of the rejection of independent claim 3 under Section 102(b) in view of Gerace. Claims 4, 5, 24 and 31 depend from independent claim 3 and are patentable therewith.

Conclusion

It follows that each of pending claims 3-5, 24 and 31, is patentably distinct from Gerace under Section 102(b), and that the final rejections are overcome. Accordingly, applicants respectfully request that the final rejection of claims 3-5, 24 and 31 in view of Gerace under Section 102 be withdrawn. If the Examiner believes that a telephone conference with applicant's attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned, particularly in view of the fact that the rejections were made final.

Respectfully Submitted,



John F. Vodopia
Registration No. 36,299
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza-Suite 300
Garden City, NY 11530
(516) 742-4343

JFV:fb